

S. Con Res 23

Senator Hathaway

Purpose: To establish a joint committee on information and intelligence

Impact: The joint committee would assume legislation and other oversight responsibilities over CIA presently being exercised by the Senate and House Armed Services Committees.

Comment: A. The resolution applies to each "information and intelligence agency of the United States", meaning USIA and CIA, including "any unit within any of the executive departments or agencies of the United States conducting information or intelligence activities." The definition is so broad that it would include a unit from practically every executive agency.

B. Section 3(a) establishes the legislation and actual oversight responsibilities of the committee by requiring referral of all related "bills, resolutions, and other matters in the Senate and House of Representatives relating primarily to any information and intelligence agency as defined above."

Position: Since the resolution relates to the operation of the Congress, the Agency should not stake out a substantive position on the resolution. We have had staff contact with USIA (George Argeris, Acting General Counsel) and State (Sidney Buford), indicating that in our formal report to the Committee we would probably take the line of (a) deferring to Congress on the question of Committee jurisdiction; (b) pointing out the overbreadth of the definition of the activities covered; and (c) possibly raising the point of incursion on the separation of powers (e.g., section 2(a)(4) gives the Committee a charter to review the "utilization of information and intelligence" which ultimately would have to involve Presidential use.

Status: In a letter dated 11 May 1973, Chairman Stennis requested Agency views on the resolution.

Agency reply, coordinated with OGC, was cleared by OMB and sent to Chairman Stennis on 28 August.

Responsible Officer: PLC
4 Jan 74